

**MINUTES OF THE REGULAR MEETING OF
THE CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
18500 Murdock Circle, Room 119
Port Charlotte, Florida 33948**

January 9, 2014

- I. CALL TO ORDER by Erik Howard at 6:00 PM.**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL:**

Members Present:

**Thomas Burns
Michael Douglas
Erik Howard
Carleton Strong
Glenn Siegel, Board Attorney**

Members Excused: Stephen Gardiner, John Herston

Member Absent: None

Staff Present:

**Erin Mullen-Travis, Certified Code Compliance Officer, Licensing Manager
Lorraine Lundblad, Certified Code Compliance Officer, Licensing Investigator
Ira Bender, Certified Code Compliance Officer, Licensing Investigator
Terri Barnett, Certified Code Compliance Officer, Licensing Investigator**

**Joshua Moye, Assistant County Attorney
David White, Clerk**

Staff Excused:

**Aaron Schulze, Certified Code Compliance Officer, Licensing Investigator
Jim Evetts, Building Official attending FCILB**

- IV. AGENDA CHANGES – Erin Mullen-Travis, Certified Code Compliance Officer, Licensing Manager informed the board of the following changes:**
 - A. Roney Temor Continued to Feb 6, 2014**
 - B. Mark A. Teixeira dismissed Jan 7, 2014**
 - C. Ronald Scribner Continued to Feb 6, 2014**
 - D. Peter A. Cafaro III Continued to Jul 10, 2014**
- V. NEXT MEETING DATE: February 6, 2014, at 6:00 p.m.**
- VI. SWEARING IN OF ALL THOSE GIVING TESTIMONY**

VII. QUASI-JUDICIAL HEARING

VIII. APPROVAL OF MINUTES: December 5, 2013

MOTION: *Carleton Strong* motioned to accept the minutes. *Thomas Burns* **seconded** and the minutes were accepted unanimously.

IX. CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES:

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by a member of the Board, that item(s) will be removed from the Consent Agenda and considered separately. **Each case has been assessed with an additional \$10.00 for the cost of recording the lien: None**

X. CONTESTING CITATION: None

XI. TEMPORARY PERMITTING:

A. Brian M. Marshall
Bender
d/b/a Fireline Restorations, Inc.
CGC060580

Ira

Mr. Marshall has requested a hearing to request temporary reinstatement of his permitting privileges and the right to work in Charlotte County. *Ira Bender* Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Marshall** was present to give testimony to the board.

MOTION: *Thomas Burns* motioned that motioned that that the permitting privileges and right to work as a contractor in Charlotte County for **Brian M. Marshall** be temporarily reinstated for the sole purpose of obtaining final inspections on outstanding permits. Once the permits have received the required final inspections, **Mr. Marshall** shall be required to appear again before the CILB to request permanent reinstatement of his permitting privileges. *Carleton Strong* seconded and the motion was approved unanimously.

XII. OLD BUSINESS: None

XIII. DISCIPLINE CASES:

A. Matthew Lackey
d/b/a Lackey Roofing, Inc.
State Registered Roofing Contractor
License No. RC290027052
Case No. CIL-13-00458

Terri Barnett

CHARGE 1: Florida Building Code 109.3 and 109.5 Adopted by Charlotte County Code 3-2-23: The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official

shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. Additionally, it shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code. **(3 Counts)**

CHARGE 2: Charlotte County Code 3-2-47 (b)(4) Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, Chapter 3-2, Chapter 3-9, any provisions of any code adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. **(3 Counts)**

CHARGE 3: Charlotte County Code 3-2-47 (b) (20) Failing to obtain inspection including but not limited to final inspection. **Florida Building Code 109.3 and 109.5** Adopted by **Charlotte County Code 3-2-23**: The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. Additionally, it shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code **(3 Counts)**

CHARGE 4: Charlotte County Code 3-2-47 (b)(3) Any act which results in a reprimand, censure, revocation, suspension or other discipline by any board of the Florida Department of Professional Regulation. **(1 Count)**

Terri Barnett Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Lackey** was not present to give testimony to the board.

MOTION: Thomas Burns made the motion that **Matthew Lackey's** Charlotte County Contractor's License be **REVOKED**.

It is further ordered that this case along with a copy of the board's order be prepared and sent to Department of Business and Professional Regulation with the recommendation that FCILB order **Matthew Lackey** to renew the expired permits and obtain final inspections on all permits obtained in Charlotte County and if he fails to comply, that the FCILB discipline the Registration of **Matthew Lackey** by suspension or revocation.

Charlotte County Code 3-2-44 states the board is granted authority to impose fines, restitution, and costs against the contractor. In lieu of this, the board is ordering that **Matthew Lackey** be fined \$1000.00 per count for 3 counts of violation of Charlotte County Code 3-2-47(b)(4), and fined \$500.00 per count for 3 counts of violation of Charlotte County Code 3-2-47(b)(20) for a total of \$4500.00, in accordance with the guidelines set forth in Charlotte County Code 3-2-44(c). **Carleton Strong** seconded the motion and it was approved unanimously.

B. John Thurbon
d/b/a Integrity Heat & Air LLC.
f/k/a Integrity Air, LLC.
State Certified Air Conditioning Contractor
License No. CACA44874
Case No. CIL-13-00425

Lorraine Lundblad

CHARGE 1: Florida Building Code 105.1 Adopted by Charlotte County Code 3-2-23: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. **(1 Count)**

CHARGE 2: Florida Building Code 109.3 and 109.5 Adopted by Charlotte County Code 3-2-23: The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. Additionally, it shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code. **(3 Counts)**

CHARGE 3: Charlotte County Code 3-2-47 (b)(4) Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, Chapter 3-2, Chapter 3-9, any provisions of any code adopted pursuant to this chapter or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455. **(3 Counts)**

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Lorraine Lundblad Certified Code Compliance Officer, Licensing Investigator, provided testimony as stated in the investigative report. **Mr. Thurbon** was not present to give testimony to the board.

MOTION: Carleton Strong made the motion that **John Thurbon** permitting privileges and the right to work as a contractor in Charlotte County be revoked.

It is further ordered that this case along with a copy of the board's order be prepared and sent to Department of Business and Professional Regulation with the recommendation that FCILB order **John Thurbon** to renew the expired permits and obtain final inspections on all permits along with getting the required permit for 3242 Majestic for a/c installation obtained in Charlotte County and that the FCILB discipline the license of **John Thurbon** by suspension or revocation. **Thomas Burns** seconded the motion and it was approved unanimously.

- XVI. **CITIZEN INPUT – None**
- XVII. **REPORT FROM THE LICENSING DIVISION MANAGER- Erin Mullen-Travis: None**
- XVIII. **REPORT FROM THE BUILDING OFFICIAL- James Evetts –.Not Present at FCILB**
- XIX. **REPORT FROM THE ASSISTANT COUNTY ATTORNEY- Joshua Moye - None**
- XX. **BOARD ATTORNEY COMMENTS- Glenn Siegel-.None**
- XXI. **REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS-**
Carleton Strong asked Erin Mullen-Travis about the effect of identification stickers on swimming pool service trucks to which she replied the effect is that the county is not receiving any negative comments and that the county has issued over 600 stickers. He then asked what type of license pool cleaners need in Sarasota County to which she replied just a business tax receipt. Carleton then asked if with that tax receipt they could be licensed in Charlotte County to which Erin replied no, they would have to obtain a local license through us but if they wanted to use their three years of business tax receipts as business experience then we would sponsor them for the exam. A long discussion ensued about the purchasing of chemicals in Charlotte County.
- XXII. **ADJOURNMENT**

Any person who decides to appeal a decision of this Board will need a record of the proceedings pertaining thereto, and therefore may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based

MOTION: Erik Howard made the motion to adjourn. **Carleton Strong** seconded the motion and it was approved unanimously. The meeting was adjourned at 6:35 PM.

Charlotte County
Construction Industry Licensing Board
Minutes of January 9, 2014


Read and approved by:

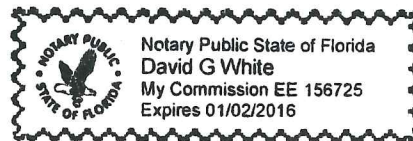

Erik Howard, Chairman

Date: February 6, 2014

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 6th day of February, 2014 by Erik Howard who is personally known to me and who did not take an oath.


Signature of Notary



I hereby attest and affirm that the minutes of the January 9, 2014 Construction Industry Licensing Board meeting are true and accurate to the best of my ability. Complete files of all cases as well as taped recordings of all proceedings of this hearing are kept in the Building Construction Services and Contractor Licensing Division and are available to the public. Copies of the tapes are available upon request for a minimal fee.


David White, Administrative Assistant II/Clerk
Construction Industry Licensing Board
Community Development Department
Contractor Licensing Division